

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

GERALD R. SALMANS,  
*Plaintiff,*

v.

ARTHUR J. GALLAGHER & CO. and  
ARTHUR J. GALLAGHER RISK MANAGEMENT  
SERVICES, INC.,  
*Defendants.*

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CIVIL ACTION H-08-2228

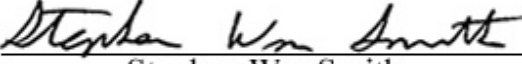
**MEMORANDUM AND ORDER**

Before the court is defendants' Arthur J. Gallagher and Arthur J. Gallagher Risk Management Services, Inc.'s (AJG) motion for partial summary judgment. (Dkt. 31). Plaintiff does not oppose this motion. (Dkt. 32). Defendants's motion is granted.

Plaintiff Gerald Salmans, a former AJG employee, brings this action claiming that AJG breached his employment contract by failing to pay him certain bonuses and vacation pay. AJG moves for partial summary judgment against Salman's claims for vacation pay because AJG's contract with Salman's expressly states that "vacation pay must be used or it will be lost" and "an employee may not request payment for vacation time in lieu of unused vacation." D. Ex. C-1.

Salman now concedes that he was not entitled to payment for vacation pay time under the employment agreement. Accordingly, defendants' motion for partial summary judgment denying the vacation pay claim is granted.

Signed at Houston, Texas on December 28, 2009.

  
Stephen Wm Smith  
United States Magistrate Judge